

REMARKS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application by the return of the initialed and signed PTO-1449 forms and the Examiner's acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action. Applicant also appreciates that Examiner's indication of the allowability of claims 10-11.

Upon entry of the present Amendment, claims 16- 25 will have been added. Claims 1-25 are pending for consideration by the Examiner. Applicant notes that newly-added claims 16-25 generally correspond to original claims 1-4, 6-8, 10 and 12-13, and recite, *inter alia*, a digital camera having an image pick-up device and a body.

The Examiner has objected to the title, finding that it is not descriptive. In response to this objection, by the present amendment, Applicant has amended the title to: LENS BARREL HAVING A MOVABLE OPTICAL ELEMENT SUPPORT FRAME, and thus requests that the Examiner withdraw this objection.

The Examiner has rejected claims 1-9 and 12-15 under 35 U.S.C. § 102(e) as being anticipated by US Patent Publication No. 2003/0156832 A1 to NOMURA et al. (in which present Inventor Nomura is an inventor), finding that this reference teaches all of the limitations of the above claims.

Applicant respectfully traverses the Examiner's rejection and notes that NOMURA is not prior art under 35 U.S.C. § 102. Specifically, Applicant notes that the two Japanese priority patent

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applications (*i.e.*, Japanese Patent Application Nos. 2002-247338, filed August 27, 2002; and 2003-25444, filed February 3, 2003) each have Japanese filing dates that are before the February 20, 2003 U.S. filing date of the NOMURA et al. publication. In this regard, and in order to expedite the allowance of the present application, Applicant submits herewith a verified translation of Japanese Patent Application No. 2002-247338 (filed August 27, 2002). Applicant has not yet obtained a verified translation of Japanese Patent Application No. 2003-25444 (due to problems with electronic files), but will submit such verified translation when it becomes available, in order to perfect priority of the present application under 35 U.S.C. § 119 and removing NOMURA et al. as a reference. It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102(e) in due course.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF ALLOWABLE SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the U.S. Patent and Trademark Office on September 30, 2004, along with the above-noted Official Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

Applicant thus respectfully submits that each and every pending claim in the present application is in condition for allowance, and respectfully requests withdrawal of the outstanding objection and rejection, and allowance of all pending claims in the present application.

Should there by any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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